

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2010 OCT 21 AM 9:17

CLERK *MW*  
SO. DIST. OF GA.

DEXTER SHAW,

Plaintiff,

vs.

TRELLIS DODSON,

Defendant.

CIVIL ACTION NO.: CV604-122

ORDER


Plaintiff has again moved this Court to issue a Temporary Restraining Order and/or Preliminary Injunction in his civil complaint brought pursuant to 42 U.S.C. § 1983. Plaintiff states that Defendant and Georgia State Prison officials, acting in concert, have continued to retaliate against him. Plaintiff requests that the Court issue such an Order directing that he (1) be returned to Georgia State Prison<sup>1</sup> and complete physical therapy to his right shoulder; (2) be seen by an orthopedic physician for follow-up after therapy; and (3) be provided with a vegan diet. Defendant has filed a response to the Motion and attached an affidavit by Dr. Sharon Lewis, the Statewide Medical Director for the Department of Corrections. In the response and affidavit, Defendant states that Dr. Lewis facilitated the transfer of Plaintiff, a High Max security inmate, to the Augusta State Medical Prison ("ASMP") on September 13, 2010. ASMP is the medical facility within the Georgia Department of Corrections system that is best equipped and staffed to provide Plaintiff with

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<sup>1</sup> At the time Plaintiff filed the instant Motion, he was incarcerated at Georgia Diagnostic and Classification Center in Jackson, Georgia.

the prescribed physical therapy and follow-up examination. In the absence of a showing of an exceptional circumstance wherein there is the possibility of irreparable injury, the Court is not inclined to issue a Restraining Order and/or Preliminary Injunction. Plaintiff has made no such showing of the likelihood of irreparable injury so as to suggest the necessity for the entry of such an order and he has not met his burden of persuasion to obtain injunctive relief. Plaintiff's Motion for issuance of a Temporary Restraining Order and/or Preliminary Injunction is hereby **DENIED**.

**SO ORDERED**, this 18<sup>th</sup> day of October, 2010.

  
B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA